

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER S.A., a French corporation,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, Inc., a Delaware corporation,

Defendant.

Civil Action No. 02-1512 (KAJ)
(consolidated)

TEVA PHARMACEUTICALS USA, Inc., a Delaware corporation, and TEVA PHARMACEUTICAL INDUSTRIES LTD., an Israeli corporation,

Counterclaim Plaintiffs,

v.

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER, S.A., a French corporation,

Counterclaim Defendants.

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER S.A., a French corporation,

Plaintiffs,

v.

IMPAX LABORATORIES, INC, a Delaware corporation,

Defendant.

Civil Action No.: 03-120-KAJ
(Consolidated)

IMPAX LABORATORIES, INC,
a Delaware corporation,

Counterclaim Plaintiffs,

v.

ABBOTT LABORATORIES, an Illinois
corporation, FOURNIER INDUSTRIE ET
SANTÉ, a French corporation, and
LABORATOIRES FOURNIER, S.A., a
French corporation,

Counterclaim Defendants.

IN RE TRICOR DIRECT PURCHASER
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

Civil Action No. 05-340 (KAJ)

(consolidated)

IN RE TRICOR INDIRECT PURCHASER
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

Civil Action No. 05-360 (KAJ)

(consolidated)

**DEFENDANTS' CONSOLIDATED
MOTION TO DISMISS PLAINTIFFS' COMPLAINTS**

Abbott Laboratories, Fournier Industrie et Sante and Laboratories Fournier S.A. hereby jointly move this Court to dismiss Teva's and Impax's Counterclaims and all of the Complaints pursuant to Fed. R. Civ. P. 12(b)(6).

Abbott Laboratories hereby individually moves this Court to dismiss, pursuant to Fed. R. Civ. P. 9(b) and 12(b)(6), or to strike, pursuant to Fed. R. Civ. P. 12(f): (1) those portions of Teva's and Impax's Counterclaims against Abbott that are dependent on Walker Process fraud or inequitable conduct and (2) those portions of Plaintiffs' claims that are dependent on inequitable conduct.

Fournier Industrie et Sante and Laboratories Fournier S.A. hereby individually move this Court to dismiss or to strike those portions of Teva's, Impax's and any other Plaintiffs' claims that are dependent on Marketing Conduct or on wrongful listing in the Orange Book.

The grounds for this motion are fully set forth in Defendants' Consolidated Opening Brief in Support of Their Consolidated Motion to Dismiss Plaintiffs' Complaints, filed contemporaneously herewith.

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Dated: October 19, 2005

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CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2005, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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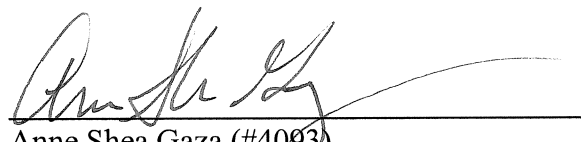
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